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DATE:	6-8-05	PAGES INCLUDING THIS COVER SHEET:	2 10
TO:	Examiner Ragonese	FROM:	Jose Jimenez
COMPANY:		SENDER'S PHONE:	952-930-6135
FAX:		SENDER'S FAX:	952-930-6503
SUBJECT:	S/N 09/812,704		

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www.AmericanMedicalSystems.com

Patent
Docket No: 687-442

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Morningstar, Randy L.

Group Art Unit: 3743

Serial No.: 09/872,704

Filed: June 1, 2001

Examiner: Andrea Ragonese

For: Implantable Medical Balloon and Method of Making

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the Commissioner for Patents, Fax No. (571) 273-4804 to the attention of Examiner Andrea Ragonese in Art Group Unit 3700 (9 pages).

June 8, 2005
Date


Signature: Linda K. Newton

RESPONSE TO ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This is in response to the undated "Order Returning Undocketed Appeal to Examiner" (postmarked May 18, 2005) received in our office on May 20, 2005 (Exhibit A attached). Also enclosed is the "Artifact Sheet" (Exhibit B) (printed from the USPTO On-line Public PAIR System) that was erroneously included in the file history for S/N 09/872,704.

Applicants called Examiner Ragonese on 6/2/05 to clarify that the "Artifact Sheet" identifies a different serial number (S/N 10/872,704 2A). Applicants hereby acknowledge that no artifact or disk was submitted with the filing of this application. The reference to the artifact sheet of 06/01/01 in the Public PAIR System (Exhibit C) is in error and correction is respectfully requested. Applicants believe that this matter is now in order and respectfully request that this application and matter be returned to the Board of Appeals and Interferences for further consideration.

No fee is believed due for the submission of this response. If this is in error, applicants respectfully request and petition that any fee required for the timely submission of this response be charged to Deposit Account No. 501921.

The Examiner is encouraged to call the Applicants should any questions arise from this response.

Registration Number 31,113	Telephone Number 952 930-6135
Date June 8, 2005	

AMS Research Corporation
10700 Bren Road West
Minnetonka, Minnesota 55343
952 930 6135

Respectfully submitted,

By

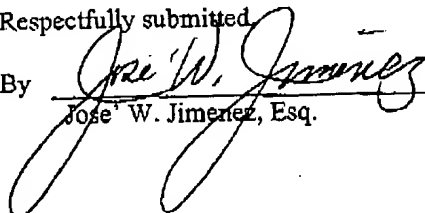

Jose W. Jimenez, Esq.

Exhibit A - Pg 1

RECEIVED

MAY 20 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

AMS Research Corp.

(687-442)

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RANDY L. MORNINGSTAR

Application No. 09/872,704

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (hereinafter the "Board") on March 1, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On March 24th, 2005, Carolyn Moskey, Paralegal Specialist for the Board, submitted, via electronic mail, a Request for Artifact to Tech Center 3700 (Paper Match 1700). The artifact consists of a disk and was requested by the Board no later than March 30, 2005. To date, the artifact has not yet been received by the Board.

Exhibit A- pg. 2


Application No. 09/872,704

Accordingly, it is

ORDERED that the application is returned to the examiner to obtain the required artifact, deliver said artifact to the Board, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

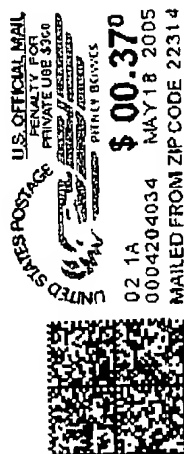
By:


CRAIG R. FEINBERG
Program and Resource Administrator
(571) 272-9797

cc: Jeffrey J. Hohenshell
American Medical Systems
10700 Bren Road West
Minnetonka, MN 55343

CRF/clm/meh

Exhibit A, pg. 3



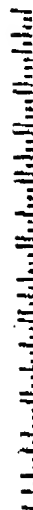
Organization: BPAJ Bldg./Rm.: MDE 09B55-A
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
If Undeliverable Return in Ten Days

AN EQUAL OPPORTUNITY EMPLOYER

Jeffrey J. Hohenshell
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Minnetonka, MN 55343

IF UNDELIVERABLE, RETURN IN TEN DAYS

95343+3673 43



42

Exhibit B - pg. 1

ARTIFACT SHEET

Enter artifact number below. Artifact number is application number + artifact type code (see list below) + sequential letter (A, B, C ...). The first artifact folder for an artifact type receives the letter A, the second B, etc..
Examples: 59123456PA, 59123456PB, 59123456ZA, 59123456ZB

10/8777042A

Indicate quantity of a single type of artifact received but not scanned. Create individual artifact folder/box and artifact number for each Artifact Type.

☐

CD(s) containing computer program listing

Doc Code: Computer

Artifact Type Code: P

☐

Stapled Set(s) of Extra Color Drawings/Photographs

Doc Code: Artifact

Artifact Type Code: C

☐

CD(s) containing pages of specification

and/or sequence listing

Doc Code: Artifact

Artifact Type Code: S

☐

CD(s) with content unspecified

Doc Code: Artifact

Artifact Type Code: U

☐

Microfilm(s)

Doc Code: Artifact

Artifact Type Code: F

☐

Video tape(s)

Doc Code: Artifact

Artifact Type Code: V

☐

Model(s)

Doc Code: Artifact

Artifact Type Code: M

☐

Bound Document(s)

Doc Code: Artifact

Artifact Type Code: B

☒

Other, description:

DISK

Doc Code: Artifact

Artifact Type Code: Z

06/26/2003

Exhibit C - pg. 1

Printer Friendly

09/872,704 Implantable medical balloon and method of making

Image File Wrapper

This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click StartDownload.

Mail Room Date	Document Description	Page Count
05-18-2005	Order Returning Undocketed Appeal to the examiner from BPAI	2
05-24-2004	Power of Attorney (may include Associate POA)	3
05-21-2004	Power of Attorney (may include Associate POA)	1
05-17-2004	Examiner's Answer to Appeal Brief	6
04-14-2004	Appeal Brief Filed	24
03-03-2004	Advisory Action (PTOL-303)	3
03-03-2004	List of References cited by applicant and considered by examiner	1
02-23-2004	Notice of Appeal Filed	1
02-17-2004	Amendment After Final	2
02-17-2004	Applicant Arguments or Remarks Made in an Amendment	3
11-18-2003	Final Rejection	10
11-18-2003	List of References cited by applicant and considered by examiner	3
10-27-2003	Information Disclosure Statement (IDS) Filed	3
10-14-2003	Amendment - After Non-Final Rejection	1
10-14-2003	Applicant Arguments or Remarks Made in an Amendment	3
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07-07-2003	Amendment - After Non-Final Rejection	1
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04-03-2003	Non-Final Rejection	13
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03-07-2003	Amendment - After Non-Final Rejection	2
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02-03-2003	Communication - Re: Power of Attorney (PTOL-308)	2
01-21-2003	Power of Attorney (may include Associate POA)	4
12-04-2002	Non-Final Rejection	12
12-04-2002	List of references cited by examiner	2
11-19-2002	Examiner's search strategy and results	7
10-21-2002	Response to Election / Restriction Filed	3
09-24-2002	Requirement for Restriction/Election	6
07-08-2002	Power of Attorney (may include Associate POA)	1
07-08-2002	Change of Address	1
10-03-2001	Transmittal letter	3

Exhibit C-pg. 3

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10-03-2001	Miscellaneous Incoming Letter	3
10-03-2001	Oath or Declaration filed	2
08-02-2001	Miscellaneous Action with SSP	2
06-01-2001	Transmittal letter	3
06-01-2001	Specification	13
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06-01-2001	Abstract	1
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06-01-2001	Issue Information including classification, examiner, name, claim, renumbering, etc.	1
06-01-2001	Search information including classification, databases and other search related notes	1
06-01-2001	Index of Claims	1
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06-01-2001	Claims	14
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06-01-2001	Oath or Declaration filed	4
06-01-2001	Fee Worksheet (PTO-875)	1
06-01-2001	Fee Worksheet (PTO-875)	1
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Close Window